



Application No.: 10/725,633
Examiner: M. J. Hand
Art Unit: 3761

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following observations. Consideration of the following observations are at least requested in order to provide reasons for maintaining the rejection of the claims in view of these observations which point out significant deficiencies in the current rejection of the claims.

The independent claims 1, 20 and 21 in the pending application are rejected as being obvious in view of U.S. patent 6,566,577 (*Addison*). The remaining pending claims are dependent from one of the independent claims, and their patentability is predicated on the patentability of the independent claims.

It is submitted that the rejection of claims 1, 20 and 21 in the outstanding Office action fails to establish a *prima facie* case of obviousness in view of *Addison*.

1. Claim 1

Turning to claim 1, it is submitted that the rejection fails to address the recited wound dressing as a whole in comparing it to the teachings of *Addison*. Specifically, discussion of certain limitations regarding the facing layer and the backing layer recited in claim 1 are omitted in the basis for rejecting this claim in view of *Addison*.

a. Facing Layer

The facing layer of claim 1 is neither taught nor suggested by *Addison*. The facing layer of claim 1 requires that it extend over the proximal surface of the absorbent core and that it is skin-adherent. *Addison*, on the other hand, requires an EMA film envelope having a wound contacting surface that is not skin adherent. Specifically, the land portions (6) of the front surface of the envelope film, which Fig. 4 shows as essentially being secured to the proximal surface of the absorbent layer (2), are "very non-adherent and wound friendly" (col. 7, lines 1-13).

It is clear that one skilled in the art would readily recognize that the envelope film of *Addison* is not the same as the facing layer required by claim 1. Further, since

Addison expressly teaches that the wound contacting surface of the envelope film is not skin adherent, *Addison* would not suggest to one skilled in the art the motivation to provide a skin-adherent facing layer.

While *Addison* does disclose skin-adherent features, the only skin adherent region is actually formed on portions of the backing sheet (6) that extend beyond the periphery of the absorbent island (9) (col. 6, lines 44-48). Of course, this teaching of *Addison* is at odds with the limitation of claim 1 which specifies that the facing layer is secured to the proximal surface of the absorbent core and that the facing layer itself is skin-adherent. The backing sheet of *Addison* is only secured to the back surface of the absorbent island and is not at all secured to the proximal or wound facing surface of the absorbent island (col. 7, lines 14-19).

Therefore, even with the teaching of *Addison* of the backing sheet having skin-adherent portions which extend beyond the absorbent island, such portions would be readily understood by one skilled in the art as not being the same as the skin adherent facing layer that is secured to the proximal surface of an absorbent core.

Because *Addison* provides no basis for a skin adherent facing layer secured to the proximal surface absorbent core, one skilled in the art would have no reasonable expectation of success in providing the facing layer of claim 1 in a wound dressing.

As such, it is submitted that *Addison* does not teach or even hint at the facing layer required of the pending claims. If anything, it provides teachings which run contrary to the limitations required by claim 1 of the pending application.

b. Compliant Element of the Backing Layer

Next, the compliant element of claim 1 is neither taught nor suggested by *Addison*. Specifically, the rejection completely fails to address the limitation of claim 1 which specifies that the periphery of the compliant element is inwardly spaced from the peripheral edges of the absorbent core. Upon a review of *Addison*, it is clear that

this patent omits any teaching that would motivate one skilled in the art to arrange a compliant element in the manner prescribed by claim 1.

As best understood, the rationale in the action explains that *Addison* describes a compliant element by the combination of the envelope film that extends from the absorbent island and the backing sheet. What is not understood is how this so-called compliant element could be construed as “being inwardly spaced from peripheral edges” of the absorbent island, as mandated by pending claim 1.

It is clear that the compliant element of *Addison* identified in the action is not inwardly spaced from the peripheral edges of the absorbent island. The section of the backing sheet and envelope film that extend over the absorbent island are shown and described as being closely adjacent (wrapped about) the rear planar surface of the absorbent island (Figs. 4 and 5; col. 5, lines 23-34; col. 6, lines 44-67). It is essential that the rear face of the film be closely adjacent to the absorbent layer so to provide for secure attachment of the backing sheet to the absorbent island and to enable the rate of water vapour diffusion to be controlled to prevent drying of the wound (col. 4, line 66 through col. 5, line 5).

Thus, because the rear face of the envelope film and backing sheet must be closely adjacent to the absorbent island, one skilled in the art could only possibly construe any compliant element that is dissociated and freely extending from the absorbent island in *Addison* as being located outside the peripheral edges of the absorbent island.

The compliant element of claim 1 must be located over the distal surface of the absorbent core, and it is readily apparent from *Addison* that this cannot be possible since *Addison* specifically requires that the entirety of the backing sheet is coated on its lower surface with a pressure sensitive adhesive (Fig. 1; col. 6, lines 44-48; col. 7, lines 19-25). It follows from *Addison* that the section of the backing sheet which extends over the absorbent island must fully adhere to the envelope film which in turn extends beyond the peripheral edges of the absorbent island.

In observing the section of the backing sheet which extends over the absorbent island in *Addison*, it is certain that there is no compliant element of the type required by claim 1. Chiefly, *Addison* requires that the rear face of the envelope film, which extends over the absorbent island, is substantially smoothed so as to provide "excellent adhesion" to the backing sheet (col. 4, lines 39-45; col. 7, lines 14-18). Since the backing sheet is entirely adhered to the smooth rear face of the envelope film, there can be no compliant element that would extend freely from the absorbent island.

It is abundantly clear that one skilled in the art would be deterred from providing the compliant element of claim 1 from the teachings of *Addison*. In fact, *Addison* goes so far as to indicate that the rear face of the envelope film does not project more than 100 micrometers, preferably less than 25 micrometers, above the median plane of the smoothed film surface (col. 4, lines 48-53). Obviously, one skilled in the art would have not at all be motivated by the teachings of *Addison* to provide a backing layer having a freely extending compliant element located within the peripheral edges of an absorbent core.

c. Conclusion

As shown from the foregoing observations, it is clear that *Addison* does not aptly disclose or suggest the facing layer and the compliant element required by pending claim 1. Thus one skilled in the art would not be motivated by *Addison* to make the entirety of the wound dressing of claim 1. Accordingly the rejection fails to produce a *prima facie* case of obviousness of claim 1 in view of *Addison*. Withdrawal of this rejection is therefore requested in regards to claim 1.

2. Claim 20

In observing claim 20, it is readily apparent that *Addison* fails to disclose or suggest the specific relationships between the absorbent core and backing layer, and compliant element of claim 20.

As for the basic notion of a compliant element being located within the peripheral edges of an absorbent core, the foregoing observations regarding claim 1 apply to claim 20. It will be noted that claim 20 specifies that the compliant element is formed between central and border portions of the backing layer, wherein the border portion of the backing layer is recited as being coextensive with the periphery of the absorbent core.

Also, the observations regarding claim 1 apply regarding the limitations that the compliant element is disassociated from the distal surface of the absorbent core so as to extend freely therefrom.

Lastly, as noted above, *Addison* requires that rear face of the envelope film to be located between the absorbent island and the backing sheet so as to secure the backing sheet to the absorbent layer (col. 4, line 66 – col. 5, line 5; col. 7, lines 14-18). Thus, in no manner would one skilled in the art be motivated to secure the backing sheet in *Addison* to absorbent island so that the backing sheet and absorbent island are contiguous with one another, as required by pending claim 20. Nowhere does *Addison* teach securing the backing sheet directly to the absorbent island so that the two features are contiguous with one another. As such, *Addison* does not teach this limitation of claim 21.

As shown from the foregoing observations, it is clear that *Addison* does not aptly disclose or suggest the facing layer and the compliant element required by pending claim 20. Accordingly the rejection fails to produce a *prima facie* case of obviousness of claim 20 in view of *Addison*. Withdrawal of this rejection is therefore requested in regards to claim 20.

3. Claim 21

In observing claim 21, it is readily apparent that *Addison* fails to disclose or suggest the entirety of the specific relationships between the absorbent core and backing layer, and compliant element of claim 21.

As for the basic notion of a compliant element being located within the peripheral edges of an absorbent core, the foregoing observations regarding claim 1 apply to claim 21.

Also, the observations regarding claim 1 apply to claim 21 regarding the limitations that the compliant element is disassociated from the distal surface of the absorbent core.

Lastly, since *Addison* does not disclose or suggest a compliant element located within the peripheral edges of an absorbent core, and disassociated from the distal surface of the absorbent core, *Addison* cannot be construed to teach that the compliant element has a profile generally corresponding in shape to the periphery of the absorbent core as required by claim 21.

As shown from the foregoing observations, it is clear that *Addison* does not aptly disclose or suggest the facing layer and the compliant element required by pending claim 21. Accordingly the rejection fails to produce a *prima facie* case of obviousness of claim 21 in view of *Addison*. Withdrawal of this rejection is therefore requested in regards to claim 21.

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4. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written over a horizontal line.

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